

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

New York City District Council of Carpenters,

Petitioner,

–v–

Ortega Group LLC,

Respondent.

19-cv-4945 (AJN)

MEMORANDUM
OPINION & ORDER

ALISON J. NATHAN, District Judge:

Petitioner filed a petition to confirm an arbitration award, which is unopposed. Dkt. No.

1. In the arbitration award, Petitioner was awarded \$4,299.66 in wages and contribution to the union fund and \$1,000 for the arbitrator’s fee as well as reasonable attorneys’ fees incurred in enforcing the award. Dkt. No. 1, Ex. A.

Upon review, the Court finds at least a “barely colorable justification” for the arbitrator’s award and confirms it. *Trustees of New York City Dist. Council of Carpenters Pension Fund, Welfare Fund, Annuity Fund, & Apprenticeship, Journeyman Retraining, Educ. & Indus. Fund v. Metro. Exposition Servs., Inc.*, No. 19-CV-149 (AJN), 2019 WL 2004279, at *3 (S.D.N.Y. May 7, 2019) (quoting *D.H. Blair & Co. v. Gottdiener*, 462 F.3d 95, 110 (2d Cir. 2006)).

Petitioner requests “reasonable attorneys’ fees and costs” for this action. Dkt. No. 1. The Court denies that request without prejudice because Petitioner has not submitted time records or any adequate proof of its fees. *Scott v. City of New York*, 626 F.3d 130, 133 (2d Cir. 2010).

Petitioner requests a prejudgment interest of 9 percent under New York law. *See* N.Y. C.P.L.R. 5004. Because the parties apparently did not agree to an alternative interest rate in their agreement, the default of 9 percent set by New York law “controls the post-award, prejudgment

interest rate.” *Oldcastle Precast, Inc. v. Liberty Mut. Ins. Co.*, 838 F. App'x 649, 651 (2d Cir. 2021) (citing N.Y. C.P.L.R. 5004).

Petitioner requests post-judgment interest. Post-judgment interest is mandatory at the rate specified in 28 U.S.C. § 1961(a). *Trustees of New York City*, 2019 WL 2004279, at *3.

The Court ORDERS that the petition is granted, the underlying arbitration award is confirmed, and that Petitioner be awarded as follows:

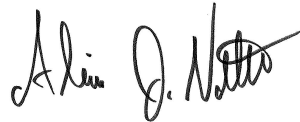
1. Awarding Petitioner \$5,299.66 to the July 31, 2018 arbitration award;
2. Awarding Petitioner pre-judgment interest on the awarded amount at the rate of 9 percent from July 31, 2018 to the date of this Memorandum Opinion and Order;
3. Awarding Petitioner post-judgment interest from the date of this Memorandum Opinion and Order at the rate set by 28 U.S.C. § 1961.

Petitioner may file a renewed request for attorneys' fees and costs, if any, by December 17, 2021.

The Clerk's office is respectfully directed to enter judgment and close the case.

SO ORDERED.

Dated: November 24, 2021
New York, New York



ALISON J. NATHAN
United States District Judge